

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Quatavious Bernard Bivens,	)	Civil Action No. 9:22-02458-SAL
	)	
Plaintiff,	)	
	)	<b>Order</b>
v.	)	
	)	
Lt. Robinson, Sgt. Dinkins-Johnson, and	)	
Captain Albert Mack	)	
	)	
Defendants.	)	
	)	

This matter is before the court for review of the December 22, 2022 Report and Recommendation (Report) of United States Magistrate Judge Molly H. Cherry, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(D.S.C.) [ECF No. 40.] In her Report, the Magistrate Judge recommends this court deny Plaintiff’s request for a temporary restraining order (“TRO”) and a preliminary injunction (“PI”). *Id.* Attached to the Report was a Notice of Right to File Objection, which informed the parties “[s]pecific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation.” Objections were due January 5, 2023. As of the date of this Order, an additional fifty-four days have passed since the deadline for filing objections. No party filed objections to the Report, and the time to do so has long since passed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1).

In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 40, and incorporates the Report by reference herein. Accordingly, Plaintiff’s request for a TRO and a PI is **DENIED**. [ECF No. 25.]

**IT IS SO ORDERED.**

February 28, 2023  
Columbia, South Carolina

/s/Sherri A. Lydon  
Sherri A. Lydon  
United States District Judge